

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3084/1dn  
EVM:eev:jm

September 30, 2013

ATTN: Matt Egerer

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. 2011 Wisconsin Act 164 created s. 346.89 (4), which prohibits a person with an instruction permit or a probationary license from driving a motor vehicle while using a cellular or other wireless telephone. This draft retains the current statutory term, i.e., "cellular or other wireless telephone," in lieu of "hand-held mobile telephone," as was used in 2011 AB 705. Please let me know if you want this changed.
2. Because current s. 346.89 (4) broadly prohibits nearly all use of a cellular phone by a person with an instruction permit or a probationary license, the exceptions to the cellular phone prohibition in this draft would have the, perhaps unexpected, effect of loosening these restrictions. Specifically, s. 346.89 (4) (b) 3. and 5. would allow greater use of cellular phones while driving by persons with instruction permits or probationary licenses. Do you want to exclude persons with an instruction permit or a probationary license from these exceptions?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)